

**Minutes
Bar Harbor Planning Board
August 6, 2008
Council Chambers – Municipal Building
93 Cottage Street**

Members present: Kay Stevens-Rosa, Chair; Kevin Cochary, Vice-Chair; Lynne Williams, Secretary; Dave Bowden

Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Town Attorney

I. CALL TO ORDER — 6:03 p.m.

II. EXCUSED ABSENCES

There were no excused absences

III. ADOPTION OF THE AGENDA

Mr. Bowden made a motion to approve the agenda. Ms. Williams seconded and the Board voted unanimously to approve the motion.

IV. APPROVAL OF MINUTES

Mr. Bowden made a motion to approve the minutes from the July 16 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.

V. REGULAR BUSINESS

A. Public Hearing – SD-07-06 – Owl's Nest Subdivision

Project Location: Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

Applicant: Owl's Nest, LLC

Application: Proposes a 10 lot residential subdivision

Mr. Musson, representing the applicant, updated the Board on submissions since the last meeting.

Ms. Stevens-Rosa introduced Todd Coffin from Ransom Environmental who conducted a peer of the hydrogeology of the project.

Mr. Coffin reviewed his report with the Board. He noted his work regarding groundwater capacity, groundwater pollutants, nitrate impacts and housing density.

Mr. Cochary asked about water capacity for the development. Mr. Coffin reiterated that there is enough water for regular usage but during high usage times a storage tank is recommended.

Mr. Cochary asked about the sodium, pH and arsenic levels of the water and Mr. Coffin indicated that these substances can be treated. Mr. Cochary asked about Lot 8

and the convergence of nitrate plumes on that lot and whether a well location is possible. Mr. Coffin commented that he is skeptical of finding an adequate well location on Lot 8.

Mr. Bowden asked about well locations and how different locations can affect recharge rates. Mr. Coffin noted that this is possible.

Mr. Dana Reed, an abutter, asked how the nitrate pre-treatment systems get maintained. Mr. Coffin noted that this is the responsibility of the home owner.

Mr. Cochary asked how a pre-treatment system is monitored. Ms. Krieg said it is difficult for staff to do that work and monitoring is done by the home owner.

Mr. Ross, representing the applicant, believes a certain standard should be required for the performance of a pre-treatment system.

Mr. Reed spoke about the difficulty with monitoring the pre-treatment systems.

Bob Bechtel, an abutter, asked about diluting nitrates in bedrock aquifers. Mr. Coffin said the nitrates will take longer to dilute in bedrock than soils.

Mr. Musson commented about the added protection that a pre-treatment system offers. He noted the heightened standard of nitrate allowance used by the town compared with DEP. He also commented on the groundwater and nitrate standards in the ordinance.

Mr. Musson commented that the minimum lot size is 40,000 SF. He mentioned the water storage will be addressed and is OK if the Board specifies a water capacity.

Ms. Stevens-Rosa commented about how vulnerable some of the lots in the subdivision are.

Mr. Cochary noted that he believes the number of lots should be reduced. He noted he is uncomfortable with the project and the water quality issues.

Ms. Krieg noted the formula in section 125-67 (K) of the ordinance must be met by the developer.

Mr. Ross noted that pretreatment systems will be maintained by homeowners like other homeowner responsibilities like the heating system.

Ms. Williams commented that larger lots should be considered for this development.

Mr. Bowden asked to address under ground utilities. Mr. Musson explained the point of view of the applicant that utilities should be overhead.

Mr. Bowden noted that requiring underground utilities could cost the town more money in the future by having to erect a pole to light the street sometime in the future.

Mr. Cochary commented that he does not believe there is an added cost by requiring underground utilities. He also said underground utilities are safer.

Mr. Musson commented about underground utilities and said the factors are cost and the lay of the land.

Mr. Cochary made a motion to continue the public hearing to the September 3 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.

B. Public Hearing – SD-08-03 – Blagden Highlands

Project Location: Indian Point Road, Bar Harbor Tax Map 241, Lots 8 & 9

Applicant: Timothy H. Gott

Application: Proposes an 11 lot residential subdivision

Mr. Musson, representing the applicant, gave an overview of the project.

The Board discussed the M. Gott lot. Mr. Cochary commented about fixing the nonconforming lot so that it meets the current standards of the ordinance. Other Board members concurred.

The applicant noted that the strip of land fronting Indian Point Road on the north side of the M. Gott lot prevents another curb cut from Indian Point road.

The Board discussed uses for this small strip of land. Mr. Bowden would like to see a bus stop.

The Board and the applicant discussed overhead utilities. The applicant, Timothy Gott, explained that there is a significant cost increase for the project by requiring underground utilities. The Board continued to discuss utilities and the costs. Ms. Williams asked for numbers on how much is costs overhead vs. underground. The applicant agreed to provide this data.

Mr. Cochary made a motion to continue the public hearing to the September 3 meeting. Mr. Bowden seconded and the Board voted unanimously to approve the motion.

VI. OTHER BUSINESS

A. Request for Wireless Communications Task Force

The Board discussed asking the Town Council to form a wireless communications task force. After the Town Council decided not to form an affordable housing task force, the Board decided not to formally request a wireless communications task force.

The Board discussed affordable housing and how best to deal with the issue moving forward.

VII. PLANNING DIRECTOR'S REPORT

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT – 8:50

Mr. Bowden made a motion to adjourn. Ms. Williams seconded and the Board voted unanimously to approve the motion.

Signed as approved:

Lynne Williams, Secretary
Planning Board, Town of Bar Harbor

Date